

EXHIBIT 52

Redacted Excerpts of Deposition of Joe Silva

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CUNG LE; NATHAN QUARRY, JON)
FITCH, on behalf of)
themselves and all others)
similarly situated,)
)
Plaintiffs,)
)
vs.) Case No.
) 2:15-cv-01045-RFB-(PAL)
)
ZUFFA, LLC, d/b/a Ultimate)
Fighting Championship and)
UFC,)
)
Defendant.)
)

VIDEOTAPE DEPOSITION OF JOSEPH SILVA

Richmond, Virginia

June 7, 2017

8:11 a.m.

Reported by:
KIMBERLY L. RIBARIC, RPR, CCR
JOB NO. 50374

<p style="text-align: right;">42</p> <p>1 SILVA 2 is that fair? 3 MR. ISAACSON: Objection. Foundation. 4 A. No, it -- 5 Q. Well, let me -- let me back -- you weren't 6 finished. Go ahead.</p> <p>7 [REDACTED]</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 Q. Right. So you're trying either to bring in 15 big names or create big names? 16 A. Yes. 17 Q. Okay. And, for example, with respect to 18 basketball, it's a star -- would you agree with the 19 statement that it's a star-driven league? 20 MR. ISAACSON: Objection to form. 21 Foundation. 22 Q. For example, the big stars are what drives 23 people -- LeBron James, Steph Curry, those are the 24 people that drive the vast majority of eyeballs to 25 watch the NBA; correct?</p>	<p style="text-align: right;">44</p> <p>1 SILVA 2 There was fighters who came outside of that 3 who beat those fighters, so it could have been some 4 people's opinions that those were the best fighters, 5 but it was not necessarily proven so. 6 Q. Was it your opinion at the time -- 7 A. No. 8 Q. -- in 2007 -- 9 A. I tend to be very skeptical. 10 Q. Okay. But was it -- but was it the opinion 11 of, say, in your understanding of Dana or Lorenzo 12 Fertitta that in or about 2007 Zuffa had under its 13 umbrella the world's top -- the vast majority of the 14 world's top fighters? 15 MR. ISAACSON: Objection. Form. 16 Foundation. 17 A. In their opinion, possibly. You'd have to 18 ask them for their opinion. 19 Q. Well, they must have told you. 20 Dana must have said, yeah, we have the vast 21 majority of the world's top fighters, at some 22 point -- 23 A. That's not -- 24 MR. ISAACSON: Object -- 25 A. -- the kind of thing you would normally --</p>
<p style="text-align: right;">43</p> <p>1 SILVA 2 MR. ISAACSON: Objection to form. 3 Foundation. Calls for opinion. 4 A. Yeah, I can't speak to basketball. The only 5 sport that I watch are fighting sports. 6 Q. But you just named other sports -- 7 A. But there are names that I am aware of. 8 Q. Right. And one of the things that you're 9 looking to do in building a roster of talented 10 fighters is to -- is to -- is to find the top 11 fighters in order to put on events that are going to 12 grab eyeballs and attention; correct? 13 A. Yes. 14 Q. And this statement doesn't say all of the 15 world's top fighters, it says the vast majority of 16 the world's top fighters, that Deutsche Bank with 17 Zuffa's assistance is -- is putting out there in the 18 world.</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 MR. ISAACSON: Objection to form. 24 A. Yeah, the hard part of that, I think, is 25 it's just opinion.</p>	<p style="text-align: right;">45</p> <p>1 SILVA 2 MR. ISAACSON: Object -- objection. 3 Argumentative. 4 MR. CRAMER: He answered the question. 5 It's fine. 6 Q. They would -- he wouldn't normally say that 7 to you? 8 A. It would be kind of strange just to walk 9 through pronouncing that we have the majority of the 10 world's top fighters. 11 Q. So he might have said that publicly; 12 correct? 13 A. You'd have to -- 14 MR. ISAACSON: Objection. Calls for 15 speculation. 16 Q. You've never seen Dana White say that the 17 UFC has, in -- in form or substance, the vast 18 majority of the world's top fighters publicly? 19 A. Dana says a lot of things. 20 Q. And you've never seen him say that among 21 those things that he says publicly? 22 A. I don't recall that exact quote. 23 Q. Not exact quote. 24 In sum or substance, that the UFC has the 25 vast majority of the top MMA talent in the world at</p>

<p style="text-align: right;">118</p> <p>1 SILVA</p> <p>2 Q. -- and grandmothers, who said to you, I want</p> <p>3 to be in the UFC, it's my dream to be in the UFC; is</p> <p>4 that right?</p> <p>5 A. That's correct.</p> <p>6 Q. And in response to many of those, you said,</p> <p>7 you're not ready, you need more seasoning before</p> <p>8 you're -- before you can finally get to the UFC; is</p> <p>9 that right?</p> <p>10 A. That's correct.</p> <p>11 Q. Is there some number of wins over a</p> <p>12 high-level opponent that a fighter needs to have</p> <p>13 before he or she is ready for the UFC?</p> <p>14 A. Well, it's very dependent on a lot of</p> <p>15 factors. When it comes to -- weight class makes a</p> <p>16 big difference. That's why I specified in his --</p> <p>17 especially at 155 it's hard, because there is a such</p> <p>18 a wealth of talent at 155.</p> <p>19 When we got rid of overlapping weight</p> <p>20 classes in the WEC, the one weight class that we kept</p> <p>21 that was the same was 155. There's just so many good</p> <p>22 ones. Bellator has an excellent 155-pound division</p> <p>23 now. I -- I haven't seen an organization that does</p> <p>24 not have a decent 155-pound division. It just seems</p> <p>25 to be the average size of people. And when you cut</p>	<p style="text-align: right;">120</p> <p>1 SILVA</p> <p>2 Q. Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know who Greg is?</p> <p>5 A. Yes.</p> <p>6 Q. Who is he?</p> <p>7 A. He is the former manager of Stipe Miocic.</p> <p>8 Q. And that's Greg Kalikas?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And Miocic was a UFC champion?</p> <p>11 A. Not at the time.</p> <p>12 Q. Not at the time.</p> <p>13 A. He's currently the champion.</p> <p>14 Q. Okay. And this is an e-mail you sent</p> <p>15 May 9th, 2011, to -- to Mr. Kalikas and you said:</p> <p>16 "Too many 170s under contract right now. Keep Stipe</p> <p>17 winning and we'll get him in."</p> <p>18 A. Stipe.</p> <p>19 Q. Stipe, I'm sorry.</p> <p>20 What did you mean by "too many 170s under</p> <p>21 contract right now"?</p> <p>22 A. Well, 170 would be the second most</p> <p>23 talent-packed division we have. So there was</p> <p>24 often -- it was very important for us to not have too</p> <p>25 many people on the roster. We wanted to be able to</p>
<p style="text-align: right;">119</p> <p>1 SILVA</p> <p>2 down, you get in good shape. There's just a ton of</p> <p>3 talent. So that makes it harder.</p> <p>4 There's no lack of talent. Everybody's</p> <p>5 good. So the bar to get in will be higher.</p> <p>6 Where, if you're a heavyweight or a light</p> <p>7 heavyweight, where it's harder to find super talented</p> <p>8 big athletes who are not playing professional</p> <p>9 football or basketball, those are rarer, so the bar</p> <p>10 may be lower for them.</p> <p>11 If you're a lightweight, I might go, I need</p> <p>12 you to get to 11 and 1 or something for me to</p> <p>13 seriously look at you. If you're 6 and 0 as a</p> <p>14 heavyweight and most of your opponents have winning</p> <p>15 records, you've got a good chance of getting in.</p> <p>16 MR. CRAMER: Okay. I'd like to mark as</p> <p>17 the next document Silva Exhibit 8.</p> <p>18 (Silva Deposition Exhibit 8 marked for</p> <p>19 identification.)</p> <p>20 Q. All right. Silva Exhibit 8 is a series of</p> <p>21 e-mails bearing the Bates range ZUF-00296713 through</p> <p>22 717. Turn first to page 3 of the document, and this</p> <p>23 is a -- at the bottom of page 3 there's an e-mail</p> <p>24 that you sent to greg@naasftv.</p> <p>25 A. Uh-huh.</p>	<p style="text-align: right;">121</p> <p>1 SILVA</p> <p>2 manage it. We wanted to be able to fulfill all our</p> <p>3 contractual obligations, so you have to limit the</p> <p>4 amount of people that you sign at any one time.</p> <p>5 So at this time, 170 was particularly full.</p> <p>6 So we had a guy and -- and that was the main reason.</p> <p>7 Like, I can't -- even if I find your guy interesting,</p> <p>8 I just don't have any spots. Spots come open like</p> <p>9 when there's injury dropouts. To maintain a fight</p> <p>10 for the fighter who didn't get injured, I will now go</p> <p>11 to other people on the roster, and go, hey, I've got</p> <p>12 a dropout, fight's only two weeks away from now, can</p> <p>13 you do it. And if they go, no, I can't make weight</p> <p>14 in two weeks, I haven't been training, I've got an</p> <p>15 injury, I go to everybody who is on the roster. If</p> <p>16 nobody can do it, I still want to get a fight for</p> <p>17 that other guy, so now that's an opening. Now maybe</p> <p>18 somebody else -- like, I didn't have a spot before,</p> <p>19 but a spot has come up, would he like that</p> <p>20 opportunity.</p> <p>21 Q. If you offered a guy on the UFC roster a</p> <p>22 fight in two weeks and they told you, I can't get</p> <p>23 ready in that time, I haven't been training, would</p> <p>24 that then invoke an extension of their contract --</p> <p>25 A. No.</p>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	194 SILVA wrestlers like in the UFC. What does that mean? A. That means that Rampage Jackson publicly criticized me for putting him against nothing but wrestlers, which I thought was bizarre because he fought many nonwrestlers, and he was a wrestler himself. When he got in trouble -- he liked to punch people, but if he got hurt, he then felt free to wrestle them. So that was my point and understanding. It's like, wait, you said you don't like my matchmaking, you fight too many wrestlers, so you go to Bellator to fight a wrestler. That seemed strange. Q. Okay. So you're pointing out that oddity. And then Shelby says to you: "LOL, I just love how Bellator is a tournament based organi... Wait. What's going on?" What was he saying there? A. The -- this was about -- this was before Scott Coker. This was back when Bjorn Rebney ran it. And they made it a very public point that they were different than the UFC, that they didn't do matchmaking, that everything they did was based on	196 SILVA Q. And what -- what were you implying in this conversation about -- about the ability or the -- the -- about use -- Bellator's using this fight to headline a Pay-Per-View with two guys who -- A. Yeah. Q. -- lost nine out of the last ten fights? MR. ISAACSON: Objection to form. Q. I'm sorry. What point were you -- were you two making to each other in this communication? A. Once again, trying to -- MR. ISAACSON: Objection to form. Q. You can answer. A. -- point out hypocrisy in that it's not that that was an unreasonable fight, it actually was a fight that made sense where those guys were in their career, but to have Bjorn Rebney try to degrade us publicly, saying we don't do just match-ups because we think they're cool match-ups, it's about the tournament. It's like wouldn't even be a problem him having on the show, but by his philosophy shouldn't they be on the show, but it's the tournament, the important thing, the thing that you say is so much a better a format, shouldn't that be your main event.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	195 SILVA tournaments, so the fighters really earned their spots. But this was an obvious break with that philosophy. It's like, they're not in a tournament and you're headlining them over the tournament. What happened to your great philosophy of tournaments were the thing, and -- and that was the most legitimate thing. So once again, just kind of pointing out what we saw as hypocrisy. Q. I see. So that Rebney was saying he's going to have this new model and it's going to be based -- be based on tournaments, not traditional matchmaking? A. Yes. Q. And this was -- this particular fight was not a tournament? A. Correct. Q. And then you say to Shelby: "These" -- "these 2 guys both lost their last 3 UFC fights," and you're referring to Rampage and Tito? A. Yes. Q. And then Shelby says: "Headlining a pay-per-view with two guys combined losing 9 of the last 10 fights." Again, that's referring to Rampage and Tito? A. Yes.	197 SILVA Shouldn't that be the important thing, to push the philosophy that you've put out there. So that's what we are needling them about, was they say this is what they believe, but their actions don't show that. Q. And -- and were you also communicating to each other that it's -- it's not a winning strategy in the MMA promotion business to headline a Pay-Per-View with two guys who had a combined losing record of nine of the last ten fights? A. It was not so much that, as that it was going against everything that Bjorn Rebney said. It wasn't about what we thought of it, it's what we thought of how this went exactly against what Bjorn Rebney was publicly saying. Q. So Shelby says, "they tried to throw a curve ball," which means divert from the tournament system; right? A. Yes. Q. But he also says, "then it went into the stands." So they throw this curve ball and it doesn't even work. A. Well -- MR. ISAACSON: Objection to form.

<p style="text-align: right;">246</p> <p>1 SILVA</p> <p>2 that Strikeforce is promoting are occurring if</p> <p>3 Strikeforce exists and --</p> <p>4 A. Yes.</p> <p>5 Q. -- not occurring if Strikeforce doesn't</p> <p>6 exist; correct?</p> <p>7 A. Correct. But also it could be that some of</p> <p>8 those Strikeforce fighters are the ones getting</p> <p>9 fights in the UFC, and it might be a UFC fighter not</p> <p>10 getting the fight.</p> <p>11 Q. Okay.</p> <p>12 MR. CRAMER: Like to have the next</p> <p>13 document marked as Silva Exhibit 21.</p> <p>14 (Silva Deposition Exhibit 21 marked for</p> <p>15 identification.)</p> <p>16 Q. Silva 21, I believe the Bates number got cut</p> <p>17 off a little bit, but my understanding is the Bates</p> <p>18 number is COX-0041416. I believe this was produced</p> <p>19 to us by Monte Cox.</p> <p>20 A. Uh-huh.</p> <p>21 Q. Who is Monte Cox?</p> <p>22 A. He's an MMA manager.</p> <p>23 Q. You know who he is?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And this is a March 2013 e-mail --</p>	<p style="text-align: right;">248</p> <p>1 SILVA</p> <p>2 cut a hundred guys."</p> <p>3 What did you mean by that?</p> <p>4 A. You have to keep the roster at a manageable</p> <p>5 number, and it can be hard to predict. It</p> <p>6 fluctuates. And there's times that if you had an</p> <p>7 acquisition where you had one of these times where</p> <p>8 everybody seemed to be coming back at once, you just</p> <p>9 realize, all right, well, this -- we've got to get</p> <p>10 this under control.</p> <p>11 Q. And at this time, in March of 2013, you had</p> <p>12 in the -- in the range of a hundred guys too many on</p> <p>13 your roster; is that right?</p> <p>14 A. Somewhere in that range, yes.</p> <p>15 Q. Do you know whether you cut those guys?</p> <p>16 A. I'm sure eventually. Guys are cut after</p> <p>17 most shows.</p> <p>18 Q. After they lose?</p> <p>19 A. Yes. Usually multiple times.</p> <p>20 Q. So if somebody loses multiple times, you --</p> <p>21 you tend to cut them?</p> <p>22 A. Correct. Because you can't bring somebody</p> <p>23 new in until somebody old goes.</p> <p>24 Q. So at least as of March of 2013, you still</p> <p>25 had too many fighters under contract; is that right?</p>
<p style="text-align: right;">247</p> <p>1 SILVA</p> <p>2 series of e-mails, two e-mails between you and</p> <p>3 Mr. Cox.</p> <p>4 So Mr. Cox says to you on March 6, 2013:</p> <p>5 "Just a reminder that Joe Doerksen lives in</p> <p>6 Winnipeg" -- excuse me -- "2 of his last 4 fights</p> <p>7 were nominated for fights of the year in Canada and</p> <p>8 he won them both, over Luigi Fioravanti and Kalib</p> <p>9 Starnes. He is 49 and 16, won 3 of 4."</p> <p>10 And you respond: "No space to bring in</p> <p>11 locals. Have to cut hundred guys. Joe."</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. What did you mean to convey to Mr. Cox here?</p> <p>15 A. For a lot of the managers, they see, and --</p> <p>16 and quite often it is a -- a benefit to get a fighter</p> <p>17 in if it's in their hometown. It's like, oh, it's --</p> <p>18 he's already there, he's got local fans, maybe we'll</p> <p>19 get some local press. So it -- it's a nice thing to</p> <p>20 do when you have the roster space to do it.</p> <p>21 As I was telling him, as nice as that might</p> <p>22 be, my main responsibility was I have all these</p> <p>23 fighters and -- and I need to get them fights rather</p> <p>24 than bring in somebody just to be a local attraction.</p> <p>25 Q. And you said: "I have no space. I have to</p>	<p style="text-align: right;">249</p> <p>1 SILVA</p> <p>2 A. Yes.</p> <p>3 Q. All right. Please turn to Exhibit 6, which</p> <p>4 is the text message compilation.</p> <p>5 MR. CRAMER: And before we do that, why</p> <p>6 don't we go take a break because we're running</p> <p>7 out of tape time.</p> <p>8 THE VIDEOGRAPHER: Off the record at 1:32.</p> <p>9 (Recess taken at 1:32 p.m., proceedings</p> <p>10 resumed at 1:38 p.m.)</p> <p>11 THE VIDEOGRAPHER: Here begins Media</p> <p>12 Number 4 in the video-recorded deposition of</p> <p>13 Joseph Silva. We're back on the record at</p> <p>14 1:38 p.m.</p> <p>15 BY MR. CRAMER:</p> <p>16 Q. All right. I would like to draw your</p> <p>17 attention to Exhibit 6, Silva Exhibit 6, page 24,</p> <p>18 which is the -- a compilation of texts, and have you</p> <p>19 look in particular at the text dated February 26th,</p> <p>20 2015, at 1:30.</p> <p>21 And there's a text that someone at (804)</p> <p>22 833-6560 sent to you saying: "Any ideas for Colby</p> <p>23 Covington?"</p> <p>24 And then you respond at 2:17: "Nothing yet</p> <p>25 for Cody. I have a backlog of guys who need fights</p>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	482 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
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